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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/005,510      | 11/08/2001  | Charles S. Schasteen | NVI 5183.1          | 9657             |

321 7590 07/07/2003

SENNIGER POWERS LEAVITT AND ROEDEL  
ONE METROPOLITAN SQUARE  
16TH FLOOR  
ST LOUIS, MO 63102

EXAMINER

FORD, VANESSA L

| ART UNIT | PAPER NUMBER |
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1645

DATE MAILED: 07/07/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.



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| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|

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| ART UNIT | PAPER |
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**Commissioner of Patents and Trademarks**

The reply filed on April 28, 2003 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): election of species was not made for Group I, (claims 1-30, 113-119 and 136-143) See 37.CFR 1.111. Applicant states in the election that "due to the amendment of claim 113, the election of species is unnecessary". The species as set forth in the Election restriction mailed March 26, 2003 are mutually exclusive since they are structurally different compositions (i.e. alkali metal dichromate vs. alkali metal dichromate free ). Applicant states in their response that " the claims of Group I recite the limitation of at least one species of protozoa", which encompasses compositions comprising one organism and compositions comprising a mixture of organisms. Compositions that comprise one organism are structurally different from compositions comprising a mixture organisms. Applicant did not address this species requirement as being unnecessary or otherwise. Applicant is referred to Section 806.04(e) of the MPEP that explains claims restricted to species.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE(1) MONTH or THIRTY(30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENTIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanessa L. Ford whose telephone number is (703) 308-4735. The Examiner can normally be reached on 8:30 AM - 5:30 PM from Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette F Smith, can be reached on (703) 308-3909. The fax phone number for the organization where this application or proceeding is assigned to is (703) 305-3014. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

*VLF*  
Vanessa L. Ford  
Biotechnology Patent Examiner  
July 1, 2003

*Patricia A. Duffy*  
**PATRICIA A. DUFFY**  
PRIMARY EXAMINER